TECH CENTER 1600/2906 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

CRAPO et al

Serial No. 10/051,367

January 22, 2002 Filed:

CANCER THERAPY Title:

Atty Dkt. 2661-22

C# M#

Group Art Unit: 1617

Examiner: Wang, S.

Date: September 29, 2003

Commissioner for Patents * P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

SUBMISSION

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Correspondence Address Indication Form Attached.

F es ar attached as calculated below: Total effective claims after amendment minus highest number 0 previously paid for 20 (at least 20) =\$ Х \$ 18.00 0.00 Independent claims after amendment minus highest number previously paid for (at least 3) =\$ 84.00 Х 0.00 If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) 0.00 Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930,00/3 months) \$ 0.00 Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00 First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) 0.00 Please enter the previously unentered , filed ☐ Submission attached Subtotal 0.00 If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00 Applicant claims "small entity" status. Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00 Assignment Recording Fee (\$40.00) \$ 0.00 Other: 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor Arlington, Virginia 22201-4714 Telephone: (703) 816-4000 Facsimile: (703) 816-4100

MJW:tat

NIXON & VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

TOTAL FEE ENCLOSED \$

778441

0.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re PATENT APPLICATION OF

Confirmation No. 6992

CRAPO et al

Atty. Ref.: 2661-22

Serial No.: 10/051,367

Group: 1617

Filed: January 22, 2002

Examiner: Wang, S.

For: CANCER THERAPY

September 29, 2003

SUBMISSION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith are 3 Verified Statements

(Declarations) Claiming Small Entity Status relating to the above-identified application.

Respectfully submitted,

NIXON & VANDERHYE, P.C.

Mary J. Wilson

Reg. No. 32,955

MJW:tat

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Applicant	 or Patontoo:	CRAPO tal		SEP 2 9 2003		OMB NO. 0651-0011 (12/3/186)			
Applicant or Patentee: Serial or Patent No.:		10/051,367	E	2500			Attorney's Dkt. No.:	2661-22	
		ary 22, 2002	- K	e			DKI. NO	2001-22	
For:	, <u></u>	, 22, 2002		CANC	ER THERAPY				
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)(3)) - NONPROFIT ORGANIZATION									
I hereby de	clare that I a	m an official ei	mpowered	to act on behalf	of the nonprofit	organization ident	tified below:		
NAME OF ORGANIZATION NATIONAL JEWISH MEDICAL AND RESEARCH CENTER									
	ADDRESS	OF ORGANI	ZATION _	1400 Jackson S	Street, Denver, (Colorado 80206			
TYPE OF N	NONPROFIT	ORGANIZATI	ON						
	Tax exemply Nonprofit (Name of	scientific or edu state Colora	al Revenu ucational u ado	e Service Code (under statute of s	tate of The Unite	a) and 501(c)(3) and States of Amer	rica)	
	(Citation o			Stat. 7-20-102(10		(0011.0.0. 5047.)	1.504(1/0))	
	United Sta Would qua	ites alify as nonprof d States of Ame state	fit scientific			(26 U.S.C. 501(a)			
for purpose	es of paying re the specific application the patent clare that rigi	educed fees to cation filed her n identified abo identified abov hts under conti	the United rewith with ove. ve. ract or law	d States Patent a title as listed abo	and Trademark Cove.	Office regarding th	ne invention des	on with regard to	
having right under 37 Ci	ts to the inve FR 1.27(a)(1	ntion is listed b	pelow* and ncern whic .27(a)(3).	I no rights to the ich would not qua	nvention are hel	not exclusive, eac Id by any person v Isiness concern u	who could not a	ern or organization qualify as a person .27(a)(2), or a	
	Address	Office of Sc	cience an		Box 90083, Du	rham, North Ca	rolina 27708-0	0083	
		Person		Small Busir	ness Concern	Nonprofit (Organization		
	Name	AFOLUS P	HARMAC	CEUTICALS, IN	C				
	Address			search Triangle		709			
		Person		Small Busir			Organization		
*Separate v invention, a	erified staten verring to his	nent is request /her/its status :	ted from ea as a smail	ach person, cond entity. (37 CFR	ern or organizat 1.27)	ion named immed	diately above ha	aving rights to the	
ennly status	s prior to payi	ng, or at the tir	me of payli	of patent, notifica ng, the earliest o (37 CFR 1.27(g)	i the issue fee or	ge in status result r any maintenanc	ting in loss of er e fee due after t	ntitlement to small the date on which	
made are pi	unishable by	ing further that fine or impriso	t tnese statenment, or	tements were ma both, under secti	ide with the knov on 1001 of Title	wledge that willful 18 of the United 5	l false statemen States Code, an	formation and belief ts and the like so nd that such willful nis verified statement	
NAME OF I	NDIVIDUAL S	_		D. Crapo, MI)				
FITLE IN OF	RGANIZATIO	N EVP, AC	cademic	Affairs					
ADDRESS OF INDIVIDUAL SIGNING 1400 Jackson St., Denver CO 80206									
SIGNATURE	<u> </u>	1	zmek	Marge		DATE	8/25,	03	
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OMB NO. 0651-0011 (12/3/186)									
Applicant or Patentee: CRAPO et al SEP 2 9 2003 Attorney's									
Serial or Patent No.: 10/051,367 Dkt. No.: 2661-22									
Filed or Issued: January 22, 2002									
For: CANCER THERAPY									
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.27(a)(3)) - NONPROFIT ORGANIZATION									
I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:									
NAME OF ORGANIZATION DUKE UNIVERSITY									
ADDRESS OF ORGANIZATION Office of Science and Technology, Box 90083, Durham, North Carolina 27708-0083									
TYPE OF NONPROFIT ORGANIZATION									
University or other institution of higher education									
Tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3) Nonprofit scientific or educational under statute of state of The United States of America									
(Name of state									
(Citation of statute									
Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)) if located in the United States									
Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in									
The United States of America (Name of state									
(Citation of statute									
I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3)									
for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:									
the specification filed herewith with title as listed above. application identified above.									
the patent identified above.									
I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. If the rights held by the nonprofit organization are not exclusive, each person, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1), or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).									
Name NATIONAL JEWISH MEDICAL AND RESEARCH CENTER									
Address 1400 Jackson Street, Denver, Colorado 80206 Person Small Business Concern Nonprofit Organization									
☐ Person ☐ Small Business Concern ☐ Nonprofit Organization									
Name AEOLUS PHARMACEUTICALS, INC.									
Address P.O. Box 14287, Research Triangle Park, NC 27709									
Person Small Business Concern Nonprofit Organization									
*Separate verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)									
I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g).									
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.									
NAME OF INDIVIDUAL SIGNING Robert L. Taber									
TITLE IN ORGANIZATIONVice_Chancellor_of_Science_and_Technology_Development									
ADDRESS OF INDIVIDUAL SIGNING 2020 W. Main St. Suite 10									
SIGNATURE DATE August 7, 2003									

		OITE	<u> </u>							
			_{برگ}	_1	OMB No. 0651-0011 (12/31/86)					
Applicant or Patentee:	CRAPO e. al	SEP 2 9 200	3	Attorney's.Dkt.						
Serial or Patent No.:	10/051,367	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	<u> </u>	Attorney S.Dkt.	No. <u>2661-22</u>					
Filed or Issued:	January 22, 2002	- Par	ru C							
For:	January 22, 2002	CANCE	R THERAPY	,						
	VERIFIED STATE			IG SMALL ENTITY	7					
STATUS [37 19(f) and 1.27(c)] - SMALL BUSINESS CONCERN										
I hereby declare that I	am									
the owner of the small business concern identified below: an official of the small business concern empowered to act on behalf of the concern identified below: NAME OF CONCERN AEOLUS PHARMACEUTICALS, INC.										
ADDR	ESS OF CONCERN	P.O. Box 14287,	Research Trian	ngle Park, NC 277	709 Oncern as defined in 13					
CFR 121.3-18, and rep 35, United States Code 500 persons. For purp the previous fiscal year the pay periods of the f	produced in 37 CFR 1. e, in that the number of this statement of the concern of the fiscal year, and (2) consisted the power to control of the under contract or	9(d), for purposes femployees of the (1) the number of persons employed acerns are affiliated the other, or a thing law have been contact.	s of paying reduce concern, include of employees of the dona full-time, as of each other to partie of party or parties.	eed fees under sec ding those of its aff he business conce part-time or tempo when either, direct s controls or has th	tion 41(a) and (b) of Title illiates, does not exceed ern is the average over trary basis during each of ly or indirectly, one ne power to control both.					
		CANCER 1	HERAPY	**						
by inventors ☐ the specificatio ☐ application Seri	on filed herewith.	CRAPO e			described in					
patent No.	ai No. 10/0	051,367	, filed , issued	January 22, 200	2					
If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27) Name DUKE UNIVERSITY										
Address _	Durham Individual	, North Carolina		N						
		☐ Small Busines	s Concern 🖂	Nonprofit Organiza	ation					
Name Address _	NATIONAL JEWISH 1400 Jackson Individual	H MEDICAL AND n Street, Denver, Small Busines	Colorado 80206		ation					
I acknowledge the duty entitlement to small ent fee due after the date o	ity status prior to payin	ig, or at the time o	of paving, the ear	rliest of the issue fe	ee or any maintenance					
aise statements and th	re believed to be true; e like so made are pur d that such willful false	and further that t nishable by fine o statements may	hese statements r imprisonment, ieopardize the v	were made with the	ne knowledge that willful					
NAME OF PERSON SI		Clast	- Sleen	Cha	or I.Duna					
TITLE OF PERSON OT		Pres	down & C		Pharaceasticala					
ADDRESS OF PERSOI SIGNATURE	N SIGNING	P.O.40014	287 RT	P, NC 27	709					